

**CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF CUSTOMER SERVICE  
BUSINESS LICENSE – SPECIAL SERVICES SECTION  
P.O. BOX 30350  
HONOLULU, HAWAII 96820  
PH: 768-2540**

**SCRAP DEALER**

Please resubmit with the following items:

- **Signed** Application for Business, Professional, Occupational License form (CS-L(SS)30). Do not complete form. Only signature is required on this form.
- Completed Business License Information worksheet/ Signed Acknowledgement of receipt
- Legible photo copy of your State of Hawaii General Excise Tax License (Ph: 587-4242).
- License/Permit fee (refer to chart below). Check or money order payable to the City and County of Honolulu.

**PRORATED BUSINESS LICENSE FEES (FISCAL YEAR SCHEDULE)**

IF NOT RECEIVED BEFORE THE END OF THE CURRENT MONTH, THE FEE  
FOR THE FOLLOWING MONTH WILL APPLY.

June	13 Months	\$108.33
July	12 Months	\$100.00
August	11 Months	\$91.67
September	10 Months	\$83.33
October	9 Months	\$75.00
November	8 Months	\$66.67
December	7 Months	\$58.33
January	6 Months	\$50.00
February	5 Months	\$41.67
March	4 Months	\$33.33
April	3 Months	\$25.00
May	2 Months	\$16.67
June	1 Month	\$8.33

**NOTE: Fiscal year begins in July and ends in June of the following year.**

**Business License-Information Worksheet**  
**Phone: 768-2540**

Name of Applicant: \_\_\_\_\_

Name of Business (DBA): \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(If different from residence)

Business Phone number: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Type of Ownership: ☐ Sole Proprietorship ☐ Partnership (List Partners)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ ☐ Corporation ☐ LLC

Name of Corporation: \_\_\_\_\_

➤ Please make check payable to the City and County of Honolulu

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**CITY AND COUNTY OF HONOLULU**

Customer Services Department

Special Services Branch

I, \_\_\_\_\_, hereby acknowledge receipt of section §445-231 through §445-235 of the Hawaii Revised Statutes (HRS) and Section 41-36.1 through 41-36.3 of the Revised Ordinance of Honolulu (ROH), pertaining to the regulation of Scrap Dealers.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## **PART X. SCRAP DEALERS**

### **Note**

Sections 445-231 to 235 designated as Part X by L 1990, c 164, §28.

Assessment under §26H-4 removed. L 1992, c 232, §1.

**§445-231 Definitions.** As used in this chapter, unless the context otherwise requires:

"Beer keg" means a metal container used to hold five gallons or more of liquid that is stamped, engraved, stenciled, or otherwise marked with the name of a brewery manufacturer; provided that a deposit beverage container, as defined under section 342G-101, shall not be considered a beer keg.

"Copper" means copper in all different forms, including tubing, sheets (includes plates), gutters, down spouts, bars, bare wire or cable, insulated wire or cable, and aluminum/copper coil used in air conditioning and refrigeration.

"Scrap" means any secondhand or used metal except those used motor vehicle parts provided in chapter 289.

"Scrap dealer" means any person engaged in the business of buying, selling, or dealing in scrap, or any person operating, carrying on, conducting, or maintaining a scrap yard.

"Scrap yard" means any yard, plot, space, enclosure, building, or any other place where scrap is collected, stored, gathered together, and kept. [L 1976, c 230, pt of §2; am L 2007, c 197, §§1, 7; am L 2008, c 16, §20 and c 53, §§2, 6; am L 2009, c 44, §§1, 2]

**§445-232 License.** Any person who engages in the business as a scrap dealer shall be licensed with the treasurer. The treasurer shall have the power to grant license and to revoke such license upon reasonable cause. The annual license fee shall be \$10.

Every license granted under this section shall designate the place where business is carried on and sufficient identifying information including the licensee's name, address, general excise tax license number, and other information which may be prescribed by the treasurer. [L 1976, c 230, pt of §2]

**§445-233 Statement required.** (a) Every scrap dealer, when the dealer purchases scrap within the State, shall obtain a written statement signed by the seller certifying that the seller has the lawful right to sell and dispose of the scrap. This statement shall also contain the seller's name; the seller's business or residence address; the seller's occupation; a

description, including serial numbers and other identifying marks, when practical, of every scrap; the amount received by the seller; the date, time, and place of the sale; and the license number of any vehicle used to deliver the property to the place of purchase.

(b) If the scrap presented for purchase is copper, or a beer keg, in whole or in part, the seller shall provide a copy of a receipt that describes, with particularity:

- (1) The exact item that is being offered for sale;
- (2) Who issued the receipt;
- (3) The date of sale of the item prior to the item's being offered to the scrap dealer; and
- (4) The price, if any, of the item when obtained by the seller.

(c) If a receipt is not available, the seller shall provide to the scrap dealer a notarized declaration, describing with particularity:

- (1) The exact item that is being offered for sale;
- (2) Who sold or otherwise transferred the item to the seller;
- (3) The date of sale of the item; and
- (4) The price, if any, of the item when obtained by the seller.

(d) If the seller does not provide a copy of the receipt or the notarized declaration as required by subsections (b) and (c), the scrap dealer shall not purchase the copper, or beer keg, in whole or in part, and shall report the attempted sale to the police.

(e) If the scrap dealer purchases any copper or beer keg, in whole or in part, the scrap dealer shall take a photograph or photographs of all of the copper or any beer keg offered for sale.

(f) The scrap dealer shall also require the seller to verify the seller's identity by presenting a valid photo identification card or license issued by a federal or state government agency authorized to issue valid identification. If the scrap being offered for sale is copper, or a beer keg, in whole or in part, the scrap dealer shall:

- (1) Take a photograph of the seller; or
- (2) Make a photocopy of the identification card or license of the seller.

(g) The scrap dealer shall keep at the dealer's place of business the signed written statement, the receipt or notarized declaration required by subsections (b) and (c), the photographs required by subsection (e), and the photocopy of the identification card or license and photograph of the seller required by subsection (f), if applicable, from the seller for a

period of two years after the date of purchase and the statement, the receipt or notarized declaration required by subsections (b) and (c), the photographs required by subsection (e), and the photocopy and photograph required by subsection (f), if applicable, may be examined at any time by the treasurer, the chief of police, the attorney general, the prosecuting attorney, or their designees.

(h) Public utilities, as defined in section 269-1, shall be exempt from the requirements of subsections (b) and (c). When the seller is a public utility, the scrap dealer shall not be required to obtain the statement required by subsection (a), and the scrap dealer shall not be prohibited by subsection (d) from purchasing the copper from the public utility. [L 1976, c 230, pt of §2; gen ch 1985; am L 2007, c 197, §§3, 7; am L 2008, c 53, §§3, 6; am L 2009, c 44, §§1, 2] general excise tax license number, and other information which may be prescribed by the treasurer. [L 1976, c 230, pt of §2]

**[§445-233.5] Payment of copper purchased by scrap dealer or recycler; check; mailing.** (a) If the scrap dealer or recycler, as applicable, purchases any copper, payment for the copper shall be made by check payable to the seller. At the time of sale of the copper, the seller shall present to the scrap dealer or recycler a valid photo identification card or license of the seller issued by a federal or state government agency authorized to issue valid identification. The check may be mailed to the address shown on the identification, or the scrap dealer or recycler may arrange for the check to be picked up personally by the seller at the place of business of the scrap dealer or recycler.

(b) As used in this section, "recycler" means a person who is engaged in the business of recycling, as defined in section 342G-1. [L 2008, c 91, §2]

**§445-234 Applicability.** Any person required to be licensed under chapter 289 or under section 445-171 shall not be required to pay an additional fee under section 445-232; provided that such person shall obtain the license required by section 445-232 and shall follow the requirements of sections 445-232 and 445-233 when acting as a scrap dealer. [L 1976, c 230, pt of §2]

**§445-235 Prohibitions; penalty.** Any person who violates [section 445-232](#), [445-233](#), or 445-233.5, or any person who falsifies a statement required by [section 445-233](#), shall be guilty of a misdemeanor and shall be sentenced in accordance with chapter 706, except that the court shall impose a minimum sentence of:

(1) A fine of \$1,000 for the first offense;

- (2) A fine of \$3,000 for the second offense; and
- (3) A fine of \$5,000 and the suspension of the scrap dealer's license for a period of six months for the third or subsequent offense; provided that if the third or subsequent offense occurs within a five-year period from the occurrence of two prior offenses, the scrap dealer shall be subject to license revocation.  
[L 1976, c 230, pt of §2; am L 2007, c 197, §§4, 7; am L 2008, c 32, §§2, 4 and c 91, §§3, 5; am L 2009, c 44, §1]

## **Article 36. Scrap Dealers**

### **Sections:**

#### **41-36.1 Definitions.**

#### **41-36.2 License required--Denial, suspension, and revocation.**

#### **41-36.3 Fee.**

### **Sec. 41-36.1 Definitions.**

As used in this article, unless the context otherwise requires:

"Director" means the director of finance of the city or the director's duly authorized subordinates.

"Scrap dealer" means the same as defined in HRS Section 445-231.

(Added by Ord. 95-05)

### **Sec. 41-36.2 License required--Denial, suspension, and revocation.**

(a) It is unlawful for any person to engage in business as a scrap dealer without obtaining a license issued by the director in accordance with the terms, conditions and penalties enumerated in HRS Chapter 445.

(b) The director may deny, suspend or revoke such license for violation of any provision of this article or HRS Chapter 445.

(Added by Ord. 95-05)

### **Sec. 41-36.3 Fee.**

The annual fee for a scrap dealer license shall be \$100.00, payable to the director. (Added by Ord. 95-05)